

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

OXBO INTERNATIONAL CORPORATION,

Plaintiff,

v.

H&S MANUFACTURING COMPANY, INC.,

Defendant.

---

ORDER

15-cv-292-jdp

The court has reviewed plaintiff's opposition to defendant's motion for leave to file a sur-reply. Dkt. 224. The court will allow defendant a sur-reply. Defendant made a substantial late document production, and to alleviate the prejudice to plaintiff, the court allowed plaintiff to supplement its expert reports and summary judgment submissions. *See* Dkt. 181. The court expected that defendant would ask for the opportunity to respond. *Id.* By allowing the sur-reply, the court is not rewarding defendant for its late production. But the court wants full briefing on the merits of the issues to which the late-produced documents might be relevant. That said, the court has no intention of allowing defendant to capitalize on the situation by making new arguments in its sur-reply.

At this point, the court sees no need for the in-person hearing that the court had provisionally scheduled for Friday, November 4, 2016. But the parties may have until 5:00 p.m. today to ask the court to keep the hearing on the calendar. Any such request should explain to the court why the hearing is needed.

The court will let the parties know if the hearing is on by noon tomorrow.

Entered November 2, 2016.

BY THE COURT:

/s/

---

JAMES D. PETERSON  
District Judge